



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831

January 22, 2007

Re: JIC Advisory Opinion 2007-01

Dear Judge

In a recent request to the Judicial Investigation Commission you asked for an advisory opinion. In the letter you asked whether you could appear before or inform the Legislature of the importance of the ' Visitation Center. This Center is one of those providing a safe place for parents to have monitored visitation with their children. The Center is seeking funding and you are interested in assuring the continuation of the services provided by it.

You also stated that you are attempting to put together a continuing legal education seminar for the benefit of the ' Visitation Center in February. The proceeds from this seminar would benefit the Center. You asked whether you could appear before or inform the Legislature about the importance of the ' Visitation Center, and whether you could sponsor a continuing legal education seminar for the benefit of the Visitation Center.

To address the inquiry, which you have made, the Commission has reviewed Canon 4 of the Code of Judicial Conduct, which states in relevant part:

Canon 4 – A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

January 22, 2007

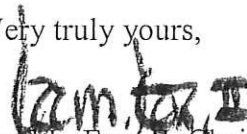
Page Two

- A. Extra-judicial activities in general. – A judge shall conduct all of the judge's extra-judicial activities so that they do not:
- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
 - (2) demean the judicial office; or
 - (3) interfere with the proper performance of judicial duties.
- C. Governmental, civic, or charitable activities. – (1) Governmental activities. A judge may appear at a public hearing before, or otherwise consult with, an executive or legislative body or official on matters concerning the law, the legal system, or the administration of justice or when acting pro se in a matter involving the judge or the judge's interest, subject to the requirements of this Code.
- (3) Civic and charitable activities. – A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. . . .
- (b) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of office for that purpose; . . .

Based upon the language contained in these sections of Canon 4, it is the opinion of the Judicial Investigation Commission that you could inform the Legislature about the nature and importance of the Center as it relates to the administration of justice from your court since the Center provides a safe place for monitored visitation. You should not solicit funds for the Center. The Commission feels it would not be appropriate for you to organize a continuing legal education seminar for the benefit of the Tri-County Visitation Center since this would amount to soliciting funds for the Center and using your office for that purpose.

It is hoped that this opinion fully addresses the questions, which you have raised. If you have any further question regarding these matters do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairperson
Judicial Investigation Commission